

REFERENCE TITLE: sex offenses; registration; notification

State of Arizona  
House of Representatives  
Forty-seventh Legislature  
Second Regular Session  
2006

# HB 2334

Introduced by  
Representatives McClure: Lopez L

AN ACT

AMENDING SECTIONS 13-604.01, 13-3821, 13-3824, 13-3825, 13-3826 AND 13-3827,  
ARIZONA REVISED STATUTES; RELATING TO SEX OFFENDER REGISTRATION.

(TEXT OF BILL BEGINS ON NEXT PAGE)

Be it enacted by the Legislature of the State of Arizona:

Section 1. Section 13-604.01, Arizona Revised Statutes, is amended to read:

13-604.01. Dangerous crimes against children: sentences: definitions

A. A person who is at least eighteen years of age and who stands convicted of a dangerous crime against children in the first degree involving sexual assault of a minor who is twelve years of age or younger, ~~or~~ sexual conduct with a minor who is twelve years of age or younger **OR MOLESTATION OF A CHILD WHO IS TWELVE YEARS OF AGE OR YOUNGER** shall be sentenced to life imprisonment and is not eligible for suspension of sentence, probation, pardon or release from confinement on any basis except as specifically authorized by section 31-233, subsection A or B until the person has served thirty-five years or the sentence is commuted. This subsection does not apply to masturbatory contact.

B. Except as otherwise provided in this section, a person who is at least eighteen years of age or who has been tried as an adult and who stands convicted of a dangerous crime against children in the first degree involving attempted first degree murder of a minor who is under twelve years of age, second degree murder of a minor who is under twelve years of age, sexual assault of a minor who is under twelve years of age, sexual conduct with a minor who is under twelve years of age, **MOLESTATION OF A CHILD WHO IS UNDER TWELVE YEARS OF AGE** or manufacturing methamphetamine under circumstances that cause physical injury to a minor who is under twelve years of age ~~may~~ **SHALL** be sentenced to life imprisonment and is not eligible for suspension of sentence, probation, pardon or release from confinement on any basis except as specifically authorized by section 31-233, subsection A or B until the person has served thirty-five years or the sentence is commuted. If a life sentence is not imposed pursuant to this subsection, the person shall be sentenced to a presumptive term of imprisonment for twenty years.

C. Except as otherwise provided in this section, a person who is at least eighteen years of age or who has been tried as an adult and who stands convicted of a dangerous crime against children in the first degree involving attempted first degree murder of a minor who is twelve, thirteen or fourteen years of age, second degree murder of a minor who is twelve, thirteen or fourteen years of age, sexual assault of a minor who is twelve, thirteen or fourteen years of age, taking a child for the purpose of prostitution, child prostitution, sexual conduct with a minor who is twelve, thirteen or fourteen years of age, continuous sexual abuse of a child, sex trafficking of a minor who is under fifteen years of age, **MOLESTATION OF A CHILD WHO IS TWELVE, THIRTEEN OR FOURTEEN YEARS OF AGE OR** manufacturing methamphetamine under circumstances that cause physical injury to a minor who is twelve, thirteen or fourteen years of age or involving or using minors in drug offenses shall be sentenced to a presumptive term of imprisonment for twenty years. If the convicted person has been previously convicted of one predicate felony the

1 person shall be sentenced to a presumptive term of imprisonment for thirty  
2 years.

3 D. Except as otherwise provided in this section, a person who is at  
4 least eighteen years of age or who has been tried as an adult and who stands  
5 convicted of a dangerous crime against children in the first degree involving  
6 aggravated assault, ~~molestation of a child~~, commercial sexual exploitation of  
7 a minor, sexual exploitation of a minor, child abuse or kidnapping shall be  
8 sentenced to a presumptive term of imprisonment for seventeen years. If the  
9 convicted person has been previously convicted of one predicate felony the  
10 person shall be sentenced to a presumptive term of imprisonment for  
11 twenty-eight years.

12 E. Except as otherwise provided in this section, a person who is at  
13 least eighteen years of age or who has been tried as an adult and who stands  
14 convicted of a dangerous crime against children involving sexual abuse under  
15 section 13-1404 is guilty of a class 3 felony and shall be sentenced to a  
16 presumptive term of imprisonment for five years, and unless the person has  
17 previously been convicted of a predicate felony, the presumptive term may be  
18 increased or decreased by up to two and one-half years pursuant to section  
19 13-702, subsections B, C and D. If the person is sentenced to a term of  
20 imprisonment the person is not eligible for release from confinement on any  
21 basis except as specifically authorized by section 31-233, subsection A or B  
22 until the sentence imposed by the court has been served, the person is  
23 eligible for release pursuant to section 41-1604.07 or the sentence is  
24 commuted. If the convicted person has been previously convicted of one  
25 predicate felony the person shall be sentenced to a presumptive term of  
26 imprisonment for fifteen years and is not eligible for suspension of  
27 sentence, probation, pardon or release from confinement on any basis except  
28 as specifically authorized by section 31-233, subsection A or B until the  
29 sentence imposed by the court has been served, the person is eligible for  
30 release pursuant to section 41-1604.07 or the sentence is commuted.

31 F. The presumptive sentences prescribed in subsections B, C and D of  
32 this section or subsection E of this section if the person has previously  
33 been convicted of a predicate felony may be increased or decreased by up to  
34 seven years pursuant to ~~the provisions of~~ section 13-702, subsections B, C  
35 and D.

36 G. Except as provided in subsection E of this section, a person  
37 sentenced for a dangerous crime against children in the first degree pursuant  
38 to this section is not eligible for suspension of sentence, probation, pardon  
39 or release from confinement on any basis except as specifically authorized by  
40 section 31-233, subsection A or B until the sentence imposed by the court has  
41 been served or commuted.

42 H. A person who stands convicted of any dangerous crime against  
43 children in the first degree pursuant to subsection C or D of this section  
44 having been previously convicted of two or more predicate felonies shall be  
45 sentenced to life imprisonment and is not eligible for suspension of

1 sentence, probation, pardon or release from confinement on any basis except  
2 as specifically authorized by section 31-233, subsection A or B until the  
3 person has served not fewer than thirty-five years or the sentence is  
4 commuted.

5 I. Notwithstanding chapter 10 of this title, a person who is at least  
6 eighteen years of age or who has been tried as an adult and who stands  
7 convicted of a dangerous crime against children in the second degree pursuant  
8 to subsection C or D of this section or luring a minor for sexual  
9 exploitation pursuant to section 13-3554 is guilty of a class 3 felony and  
10 shall be sentenced to a presumptive term of imprisonment for ten years. The  
11 presumptive term may be increased or decreased by up to five years pursuant  
12 to section 13-702, subsections B, C and D. If the person is sentenced to a  
13 term of imprisonment the person is not eligible for release from confinement  
14 on any basis except as specifically authorized by section 31-233, subsection  
15 A or B until the person has served the sentence imposed by the court, the  
16 person is eligible for release pursuant to section 41-1604.07 or the sentence  
17 is commuted. A person who is convicted of any dangerous crime against  
18 children in the second degree having been previously convicted of one or more  
19 predicate felonies is not eligible for suspension of sentence, probation,  
20 pardon or release from confinement on any basis except as specifically  
21 authorized by section 31-233, subsection A or B until the sentence imposed by  
22 the court has been served, the person is eligible for release pursuant to  
23 section 41-1604.07 or the sentence is commuted.

24 J. Section 13-604, subsections M and O apply to the determination of  
25 prior convictions.

26 K. The sentence imposed on a person by the court for a dangerous crime  
27 against children ~~under subsection D of this section~~ involving ~~child~~  
28 ~~molestation or~~ sexual abuse pursuant to subsection E of this section may be  
29 served concurrently with other sentences if the offense involved only one  
30 victim. The sentence imposed on a person for any other dangerous crime  
31 against children in the first or second degree shall be consecutive to any  
32 other sentence imposed on the person at any time, including child molestation  
33 and sexual abuse of the same victim.

34 L. In this section, for purposes of punishment an unborn child shall  
35 be treated like a minor who is under twelve years of age.

36 M. For the purposes of this section:

37 1. "Dangerous crime against children" means any of the following that  
38 is committed against a minor who is under fifteen years of age:

39 (a) Second degree murder.

40 (b) Aggravated assault resulting in serious physical injury or  
41 involving the discharge, use or threatening exhibition of a deadly weapon or  
42 dangerous instrument.

43 (c) Sexual assault.

44 (d) Molestation of a child.

45 (e) Sexual conduct with a minor.

- 1 (f) Commercial sexual exploitation of a minor.  
2 (g) Sexual exploitation of a minor.  
3 (h) Child abuse as prescribed in section 13-3623, subsection A,  
4 paragraph 1.  
5 (i) Kidnapping.  
6 (j) Sexual abuse.  
7 (k) Taking a child for the purpose of prostitution as defined in  
8 section 13-3206.  
9 (l) Child prostitution as defined in section 13-3212.  
10 (m) Involving or using minors in drug offenses.  
11 (n) Continuous sexual abuse of a child.  
12 (o) Attempted first degree murder.  
13 (p) Sex trafficking.  
14 (q) Manufacturing methamphetamine under circumstances that cause  
15 physical injury to a minor.

16 A dangerous crime against children is in the first degree if it is a  
17 completed offense and is in the second degree if it is a preparatory offense,  
18 except attempted first degree murder is a dangerous crime against children in  
19 the first degree.

20 2. "Predicate felony" means any felony involving child abuse pursuant  
21 to section 13-3623, subsection A, paragraph 1, a sexual offense, conduct  
22 involving the intentional or knowing infliction of serious physical injury or  
23 the discharge, use or threatening exhibition of a deadly weapon or dangerous  
24 instrument, or a dangerous crime against children in the first or second  
25 degree.

26 Sec. 2. Section 13-3821, Arizona Revised Statutes, is amended to read:  
27 13-3821. Persons required to register; procedure;  
28 identification card; definitions

29 A. A person who has been convicted of a violation or attempted  
30 violation of any of the following offenses or who has been convicted of an  
31 offense committed in another jurisdiction that if committed in this state  
32 would be a violation or attempted violation of any of the following offenses  
33 or an offense that was in effect before September 1, 1978 and that, if  
34 committed on or after September 1, 1978, has the same elements of an offense  
35 listed in this section or who is required to register by the convicting  
36 jurisdiction, within ten days after the conviction or within ten days after  
37 entering and remaining in any county of this state, shall register with the  
38 sheriff of that county:

39 1. Unlawful imprisonment pursuant to section 13-1303 if the victim is  
40 under eighteen years of age and the unlawful imprisonment was not committed  
41 by the child's parent.

42 2. Kidnapping pursuant to section 13-1304 if the victim is under  
43 eighteen years of age and the kidnapping was not committed by the child's  
44 parent.

1           3. Sexual abuse pursuant to section 13-1404 if the victim is under  
2 eighteen years of age.

3           4. Sexual conduct with a minor pursuant to section 13-1405.

4           5. Sexual assault pursuant to section 13-1406.

5           6. Sexual assault of a spouse if the offense was committed before ~~the~~  
6 ~~effective date of this amendment to this section~~ AUGUST 12, 2005.

7           7. Molestation of a child pursuant to section 13-1410.

8           8. Continuous sexual abuse of a child pursuant to section 13-1417.

9           9. Taking a child for the purpose of prostitution pursuant to section  
10 13-3206.

11          10. Child prostitution pursuant to section 13-3212.

12          11. Commercial sexual exploitation of a minor pursuant to section  
13 13-3552.

14          12. Sexual exploitation of a minor pursuant to section 13-3553.

15          13. Luring a minor for sexual exploitation pursuant to section 13-3554.

16          14. Sex trafficking of a minor pursuant to section 13-1307.

17          15. A second or subsequent violation of indecent exposure to a person  
18 under the age of fifteen years pursuant to section 13-1402, subsection B.

19          16. A second or subsequent violation of public sexual indecency to a  
20 minor under the age of fifteen years pursuant to section 13-1403,  
21 subsection B.

22          17. A third or subsequent violation of indecent exposure pursuant to  
23 section 13-1402.

24          18. A third or subsequent violation of public sexual indecency pursuant  
25 to section 13-1403.

26          19. A violation of section 13-3822 or 13-3824.

27          B. Before the person is released from confinement the state department  
28 of corrections in conjunction with the department of public safety and each  
29 county sheriff shall complete the registration of any person who was  
30 convicted of a violation of any offense listed under subsection A of this  
31 section. Within three days after the person's release from confinement, the  
32 state department of corrections shall forward the registered person's records  
33 to the department of public safety and to the sheriff of the county in which  
34 the registered person intends to reside. Registration pursuant to this  
35 subsection shall be consistent with subsection E of this section.

36          C. Notwithstanding subsection A of this section, the judge who  
37 sentences a defendant for any violation of chapter 14 or 35.1 of this title  
38 or for an offense for which there was a finding of sexual motivation pursuant  
39 to section 13-118 may require the person who committed the offense to  
40 register pursuant to this section.

41          D. The court may require a person who has been adjudicated delinquent  
42 for an act that would constitute an offense specified in subsection A or C of  
43 this section to register pursuant to this section. Any duty to register  
44 under this subsection shall terminate when the person reaches twenty-five  
45 years of age.

1 E. A person who has been convicted of or adjudicated delinquent and  
2 who is required to register in the convicting state for an act that would  
3 constitute an offense specified in subsection A or C of this section and who  
4 is not a resident of this state shall be required to register pursuant to  
5 this section if the person is either:

6 1. Employed full-time or part-time in this state, with or without  
7 compensation, for more than fourteen consecutive days or for an aggregate  
8 period of more than thirty days in a calendar year.

9 2. Enrolled as a full-time or part-time student in any school in this  
10 state for more than fourteen consecutive days or for an aggregate period of  
11 more than thirty days in a calendar year. For the purposes of this  
12 paragraph, "school" means an educational institution of any description,  
13 public or private, wherever located in this state.

14 F. Any duty to register under subsection D or E of this section for a  
15 juvenile adjudication terminates when the person reaches twenty-five years of  
16 age.

17 G. The court may order the termination of any duty to register under  
18 this section on successful completion of probation if the person was under  
19 eighteen years of age when the offense for which the person was convicted was  
20 committed.

21 H. At the time of registering, the person shall sign a statement in  
22 writing giving such information as required by the director of the department  
23 of public safety, including all names by which the person is known. The  
24 sheriff shall fingerprint and photograph the person and within three days  
25 thereafter shall send copies of the statement, fingerprints and photographs  
26 to the criminal identification section within the department of public safety  
27 and the chief of police, if any, of the place where the person resides. The  
28 information that is required by this subsection shall include the physical  
29 location of the person's residence and the person's address. If the person  
30 has a place of residence that is different from the person's address, the  
31 person shall provide the person's address, the physical location of the  
32 person's residence and the name of the owner of the residence if the  
33 residence is privately owned and not offered for rent or lease. If the  
34 person receives mail at a post office box, the person shall provide the  
35 location and number of the post office box. If the person does not have an  
36 address or a permanent place of residence, the person shall provide a  
37 description and physical location of any temporary residence. A PERSON MAY  
38 NOT USE A CORRECTIONAL FACILITY ADDRESS AS THE PERSON'S PLACE OF RESIDENCE OR  
39 ADDRESS.

40 I. On the person's initial registration and every year after the  
41 person's initial registration, the person shall obtain a new nonoperating  
42 identification license or a driver license from the motor vehicle division in  
43 the department of transportation and shall carry a valid nonoperating  
44 identification license or a driver license. Notwithstanding sections 28-3165  
45 and 28-3171, the license ~~shall be~~ IS valid for one year from the date of

1 issuance, and the person shall submit to the department of transportation  
2 proof of the person's address and place of residence. **THE LICENSE SHALL**  
3 **INCLUDE THE OFFENDER'S NOTIFICATION LEVEL.** The motor vehicle division shall  
4 annually update the person's photograph and shall make a copy of the  
5 photograph available to the criminal identification section of the department  
6 of public safety or to any law enforcement agency.

7 J. Except as provided in subsection E or K of this section, the clerk  
8 of the superior court in the county in which a person has been convicted of a  
9 violation of any offense listed under subsection A of this section or has  
10 been ordered to register pursuant to subsection C or D of this section shall  
11 notify the sheriff in that county of the conviction within ten days after  
12 entry of the judgment.

13 K. Within ten days after entry of judgment, a court not of record  
14 shall notify the arresting law enforcement agency of an offender's conviction  
15 of a violation of section 13-1402. Within ten days after receiving this  
16 information, the law enforcement agency shall determine if the offender is  
17 required to register pursuant to this section. If the law enforcement agency  
18 determines that the offender is required to register, the law enforcement  
19 agency shall provide the information required by section 13-3825 to the  
20 department of public safety and shall make community notification as required  
21 by law.

22 L. A person who is required to register pursuant to this section  
23 because of a conviction for the unlawful imprisonment of a minor or the  
24 kidnapping of a minor is required to register, absent additional or  
25 subsequent convictions, for a period of ten years from the date that the  
26 person is released from prison, jail, probation, community supervision or  
27 parole and the person has fulfilled all restitution obligations.  
28 Notwithstanding this subsection, a person who has a prior conviction for an  
29 offense for which registration is required pursuant to this section is  
30 required to register for life.

31 M. A person who is required to register pursuant to this section and  
32 who is a student at a public or private institution of postsecondary  
33 education or who is employed, with or without compensation, at a public or  
34 private institution of postsecondary education or who carries on a vocation  
35 at a public or private institution of postsecondary education shall notify  
36 the county sheriff having jurisdiction of the institution of postsecondary  
37 education. The person required to register pursuant to this section shall  
38 also notify the sheriff of each change in enrollment or employment status at  
39 the institution.

40 **N. THE SHERIFF SHALL MAIL RESIDENCE AND ADDRESS VERIFICATION FORMS TO**  
41 **ALL OFFENDERS WHO ARE REQUIRED TO REGISTER PURSUANT TO THIS SECTION TWICE**  
42 **EACH YEAR ON A RANDOM BASIS.**

43 ~~N.~~ 0. For the purposes of this section:

44 1. "Address" means the location at which the person receives mail.



1           2. "Residence" means the person's dwelling place, whether permanent or  
2 temporary.

3           Sec. 3. Section 13-3824, Arizona Revised Statutes, is amended to read:  
4 13-3824. Violation; classification; assessment

5           A. A person who is subject to registration under this article and who  
6 fails to comply with the requirements of this article is guilty of a class ~~4~~  
7 3 felony.

8           B. Notwithstanding subsection A of this section, a person who fails to  
9 comply with section 13-3821, subsection I is guilty of a class 1 misdemeanor  
10 and, in addition to any other penalty prescribed by law, the court shall  
11 order the person to pay an additional assessment of two hundred fifty  
12 dollars. This assessment is not subject to any surcharge. The court shall  
13 transmit the monies received pursuant to this subsection to the county  
14 treasurer. The county treasurer shall transmit the monies received to the  
15 state treasurer. The state treasurer shall deposit the monies received in  
16 the sex offender monitoring fund established by section 13-3828.  
17 Notwithstanding any other law, the court shall not waive the assessment  
18 imposed pursuant to this subsection.

19           Sec. 4. Section 13-3825, Arizona Revised Statutes, is amended to read:  
20 13-3825. Community notification

21           A. Within seventy-two hours after a person who was convicted is  
22 released from confinement or who was accepted under the interstate compact  
23 for the supervision of parolees and probationers and has arrived in this  
24 state, the agency that had custody or responsibility for supervision of the  
25 person who was convicted of committing an offense for which the person was  
26 required or ordered by the court to register pursuant to section 13-3821 or  
27 that has accepted supervision under the interstate compact for the  
28 supervision of parolees and probationers shall provide all of the following  
29 information to the department of public safety by entering all of the  
30 following information into the sex offender profile and notification  
31 database:

- 32           1. The offender's identifying information.  
33           2. A risk assessment of the offender.  
34           3. The offender's date of release from confinement or, if the offender  
35 is sentenced to probation without jail time, the date the sentence is  
36 imposed.

37           B. Following the tenth day after the person is released from  
38 confinement or, if the offender is sentenced to probation without jail time,  
39 the date the sentence is imposed, the department of public safety shall  
40 cross-reference the information the department receives pursuant to  
41 subsection A of this section with the sex offender registry to determine if  
42 the person is registered as required or ordered by the court pursuant to  
43 section 13-3821. If the person is not registered, the department of public  
44 safety shall notify the county attorney in the county in which the person was  
45 convicted or the interstate compact administrator for this state. If the

1 person is registered, the department of public safety shall forward the  
2 information the department received pursuant to subsection A of this section  
3 to the sheriff in the county where the person is registered.

4 C. After receiving the information pursuant to subsection B of this  
5 section, the sheriff shall forward the information to the chief law  
6 enforcement officer of the community in which the person resides. After  
7 reviewing the information received and any other information available to the  
8 local law enforcement agency, the local law enforcement agency shall  
9 categorize each offender and place each offender into a notification  
10 level. Within ~~forty-five~~ FOURTEEN days, the local law enforcement agency  
11 shall notify the community of the offender's presence in the community  
12 pursuant to the guidelines established by the community notification  
13 guidelines committee. If the community does not have a chief law enforcement  
14 officer, the sheriff shall perform the duties of the local law enforcement  
15 agency.

16 D. If a person who has been convicted of an offense in another state  
17 registers pursuant to section 13-3821, subsection A, the sheriff in the  
18 county in which the person registers shall forward the information to the  
19 chief law enforcement officer of the community in which the person  
20 resides. The chief law enforcement officer shall contact the state in which  
21 the person was convicted and shall obtain information regarding the  
22 person. After reviewing the information received and any other information  
23 available, the local law enforcement agency shall complete the risk  
24 assessment, shall categorize the person, shall place the person into a  
25 notification level and shall enter the information into the computer  
26 system. If the law enforcement agency is unable to obtain sufficient  
27 information to complete the sex offender community notification risk  
28 assessment, the agency shall categorize the offender as a level two  
29 offender. Within forty-five days, the local law enforcement agency shall  
30 notify the community of the person's presence in the community pursuant to  
31 the guidelines established by the community notification guidelines  
32 committee. If the community does not have a chief law enforcement officer,  
33 the sheriff shall perform the duties of the local law enforcement agency.

34 E. On receiving notice pursuant to section 13-3822 that a person who  
35 is required to register has moved from the person's address, the chief law  
36 enforcement officer of the community to which the person has relocated may  
37 notify that community of the person's relocation to the community, pursuant  
38 to subsection C of this section. If the community does not have a local law  
39 enforcement agency, the sheriff of the county to which the person has  
40 relocated shall notify the community of the person's relocation.

41 F. In cooperation with the county probation department or the state  
42 department of corrections, a law enforcement agency may delegate all or part  
43 of the notification process for offenders on community supervision to the  
44 county probation department or to the state department of corrections, as  
45 appropriate.

1 G. Information concerning a person who is required to register  
 2 pursuant to section 13-3821 and who is subject to the provisions of community  
 3 notification and who is a student at a public or private institution of  
 4 postsecondary education or who is employed or carries on a vocation, with or  
 5 without compensation, at a public or private institution of postsecondary  
 6 education shall be promptly made available by the county sheriff to the law  
 7 enforcement agency having jurisdiction for performing community notification  
 8 pursuant to guidelines adopted under section 13-3826. The law enforcement  
 9 agency shall notify the institution's administration and shall complete  
 10 appropriate campus notification pursuant to guidelines adopted under section  
 11 13-3826.

12 H. This section does not prohibit law enforcement officers from giving  
 13 a community notice of any circumstances or persons that pose a danger to the  
 14 community under circumstances that are not provided for under this section.

15 I. Except as provided in subsection J of this section, this section  
 16 applies to all persons who are subject to the registration requirements in  
 17 section 13-3821 whether or not the person was convicted before or after June  
 18 1, 1996.

19 J. This section does not apply to persons subject to the registration  
 20 requirements in section 13-3821 as a result of offenses adjudicated by a  
 21 juvenile court unless ordered by the court.

22 K. Notwithstanding ~~section 13-3825~~, subsections B and C OF THIS  
 23 SECTION, the agency that had custody or responsibility for supervision of an  
 24 offender or the court that sentenced the offender who was convicted of  
 25 committing an offense that subjects the offender to the registration  
 26 requirements of section 13-3821 and who committed the offense before June 1,  
 27 1996 may conduct a risk assessment for the offender as existing resources are  
 28 available pursuant to guidelines adopted by the community ~~notifications~~  
 29 NOTIFICATION guidelines committee pursuant to section 13-3826. Community  
 30 notification pursuant to THIS section ~~13-3825~~ and sex offender web site  
 31 notification pursuant to section 13-3827 shall only be conducted after the  
 32 risk assessment is complete.

33 Sec. 5. Section 13-3826, Arizona Revised Statutes, is amended to read:

34 ~~13-3826.~~ Community notification guidelines committee; members;  
 35 duties; definition

36 A. The community notification guidelines committee is established  
 37 consisting of the following members:

38 1. A member of the senate who is appointed by the president of the  
 39 senate to serve as ~~cochair~~ COCHAIRPERSON of the committee.

40 2. A member of the house of representatives who is appointed by the  
 41 speaker of the house of representatives to serve as ~~cochair~~ COCHAIRPERSON of  
 42 the committee.

43 3. The attorney general or the attorney general's designee.

44 4. The chairman of the senate judiciary committee or its successor  
 45 committee, who serves as an advisory member.

1           5. A member of the minority party in the senate who is appointed by  
2 the president of the senate and who serves as an advisory member.

3           6. The chairman of the house of representatives judiciary committee or  
4 its successor committee, who serves as an advisory member.

5           7. A member of the minority party in the house of representatives who  
6 is appointed by the speaker of the house of representatives and who serves as  
7 an advisory member.

8           8. Two sheriffs or their designees who are appointed by the president  
9 of the Arizona county attorneys and sheriffs association, one of whom  
10 represents a county with a population of more than four hundred thousand  
11 persons according to the most recent United States decennial census and one  
12 of whom represents a county with a population of four hundred thousand  
13 persons or less according to the most recent United States decennial census.

14           9. Two chiefs of police or their designees who are appointed by the  
15 president of the Arizona association of chiefs of police, one of whom  
16 represents a city or town in a county with a population of more than four  
17 hundred thousand persons according to the most recent United States decennial  
18 census and one of whom represents a city or town in a county with a  
19 population of four hundred thousand persons or less according to the most  
20 recent United States decennial census.

21           10. Two county attorneys or their designees who are appointed by the  
22 chairman of the Arizona prosecuting attorneys' advisory council, one of whom  
23 represents a county with a population of more than four hundred thousand  
24 persons according to the most recent United States decennial census and one  
25 of whom represents a county with a population of four hundred thousand  
26 persons or less according to the most recent United States decennial census.

27           11. Two county adult probation officers or their designees who are  
28 appointed by the chief justice of the supreme court, one of whom represents a  
29 county with a population of more than four hundred thousand persons according  
30 to the most recent United States decennial census and one of whom represents  
31 a county with a population of four hundred thousand persons or less according  
32 to the most recent United States decennial census.

33           12. One state adult parole administrator or the administrator's  
34 designee who is appointed by the governor.

35           13. The director of the department of public safety or the director's  
36 designee.

37           14. The director of the department of transportation or the director's  
38 designee.

39           15. One person who is licensed under title 32, chapter 19.1 and who is  
40 appointed by the state board of psychologist examiners.

41           16. One representative of a public defender's office who is recommended  
42 by an association of public defenders and who is appointed by the speaker of  
43 the house of representatives.

44           17. One advocate or community restitution provider who is appointed by  
45 the president of the senate.

18. Two public members, one of whom is appointed by the president of the senate and one of whom is appointed by the speaker of the house of representatives.

B. Appointed members serve two year terms.

C. The members shall meet at a time and place set by the cochairpersons.

D. Members of the committee are not eligible to receive compensation but are eligible for reimbursement of expenses pursuant to title 38, chapter 4, article 2.

E. The committee shall:

1. Adopt community notification guidelines. The committee shall monitor the implementation of the community notification guidelines that the committee adopts. The guidelines shall provide for levels of notification based on the risk that a particular sex offender poses to the community. The notification requirements are as follows:

(a) For **LEVEL ONE**, level two and level three offenders, the notification shall be made to ~~the surrounding neighborhood, area~~ **ALL** schools, **DAY CARE CENTERS, RECREATION CENTERS**, appropriate community groups, **RELIGIOUS INSTITUTIONS** and prospective employers **THAT ARE WITHIN A ONE MILE RADIUS OF AN OFFENDER'S VERIFIED ADDRESS**. The notification shall include a flyer with a photograph **OF THE OFFENDER, THE OFFENDER'S NAME, HEIGHT, WEIGHT, AGE, PLACE OF EMPLOYMENT** and exact **VERIFIED** address, ~~of the offender as well as THE OFFENSE FOR WHICH THE OFFENDER WAS REQUIRED TO REGISTER AND~~ a summary of the offender's status and criminal background. A press release and a **LEVEL ONE**, level two or level three flyer shall be given to the local electronic and print media to enable information to be placed in a local publication. If a **LEVEL ONE**, level two or level three offender fails to register or reregister pursuant to section 13-3821 or 13-3822 and a warrant is issued, before the issuance of the warrant the law enforcement agency that requested the warrant shall assemble, print and distribute appropriate flyers regarding the offender.

~~(b) For level one offenders, the local law enforcement agency that is responsible for notification shall maintain information about the offender. The local law enforcement agency may disseminate this information to other law enforcement agencies and may give notification to the people with whom the offender resides. If a level one offender fails to register or reregister pursuant to section 13-3821 or 13-3822 and a warrant is issued, before the issuance of the warrant the law enforcement agency that requested the warrant may assemble, print and distribute appropriate flyers regarding the offender.~~

(b) **FOR LEVEL THREE OFFENDERS, THE LOCAL LAW ENFORCEMENT AGENCY THAT IS RESPONSIBLE FOR NOTIFICATION SHALL POST NOTICE OF LEVEL THREE OFFENDERS IN ALL PUBLIC PARKS IN THE COUNTY IN WHICH THE LEVEL THREE OFFENDER RESIDES. THE NOTICE SHALL INCLUDE A FLYER WITH A PHOTOGRAPH OF THE OFFENDER, THE**

1 OFFENDER'S NAME, HEIGHT, WEIGHT AND AGE AND A SUMMARY OF THE OFFENDER'S  
2 STATUS AND CRIMINAL BACKGROUND.

3 2. Develop and recommend a process for a sex offender to request a  
4 notification level review and for the court to determine if a sex offender  
5 notification level may be reduced or the offender is no longer required to  
6 register. The committee shall submit a report of its recommendation to the  
7 governor, the president of the senate and the speaker of the house of  
8 representatives on or before December 15, 2004 and shall provide a copy of  
9 this report to the secretary of state and the director of the Arizona state  
10 library, archives and public records.

11 3. Study whether there is uniform and consistent application of the  
12 community notification guidelines on a statewide basis, including whether  
13 offenders who pose similar risks are assigned similar notification levels in  
14 different jurisdictions.

15 F. The committee shall adopt guidelines regarding how community  
16 notification pursuant to section 13-3825, subsection K should be conducted,  
17 including whether community notification should occur. The guidelines should  
18 provide for flexibility based on resources and the availability of  
19 records. The committee may adopt procedures that allow offenders required to  
20 register to not be classified if necessary records are not reasonably  
21 available.

22 G. For the purposes of this section, "advisory member" means a member  
23 who advises other committee members during meetings but who is ineligible to  
24 vote and who is not a member for the purposes of determining if a quorum is  
25 present.

26 Sec. 6. Section 13-3827, Arizona Revised Statutes, is amended to read:

27 13-3827. Internet sex offender web site: investigation of  
28 records; immunity

29 A. The department of public safety shall establish and maintain an  
30 internet sex offender web site for offenders whose risk assessment has been  
31 determined to be a level two or level three. The purpose of the internet sex  
32 offender web site is to provide sex offender information to the public.

33 B. The internet sex offender web site shall include the following  
34 information for each convicted sex offender in this state who is required to  
35 register pursuant to section 13-3821:

36 1. The offender's name, address and age.

37 2. A current photograph.

38 3. The offense committed and notification level pursuant to section  
39 13-3826, subsection E, if a risk assessment has been completed pursuant to  
40 section 13-3825.

41 4. CONTACT INFORMATION FOR THE RESPONSIBLE AGENCY TO ALLOW FOR PUBLIC  
42 EASE IN COMMUNICATION AND ACCESS TO PUBLIC RECORDS REGARDING THE CRIMINAL  
43 HISTORY OF REGISTERED SEX OFFENDERS. THE CONTACT INFORMATION SHALL INCLUDE  
44 THE NAME OF AN APPROPRIATE CONTACT PERSON, TELEPHONE NUMBERS AND WEB  
45 ADDRESSES.

1 C. The department of public safety shall annually update on the web  
2 site the name, address and photograph of each sex offender.

3 D. The motor vehicle division of the department of transportation  
4 shall send copies of each sex offender's nonoperating identification license  
5 or driver license photograph to the department of public safety for inclusion  
6 on the sex offender web site.

7 E. The department of public safety shall annually verify the addresses  
8 of all sex offender registration records contained within the Arizona  
9 criminal justice information system. Before including the address of a sex  
10 offender on the web site, the department of public safety shall confirm that  
11 the address is correct. To confirm a sex offender's address, the department  
12 shall conduct a search of the Arizona criminal justice information  
13 system. If this search does not provide the necessary confirmation, the  
14 department shall use alternative public and private sector resources that are  
15 currently used for criminal investigation purposes to confirm the  
16 address. The department of public safety is prohibited from using or  
17 releasing the information from the alternative public and private sector  
18 resources except pursuant to this section. A custodian or public or private  
19 sector resource that releases information pursuant to this subsection is not  
20 civilly or criminally liable in any action alleging a violation of  
21 confidentiality.

22 F. The department of public safety may petition the superior court for  
23 enforcement of subsection E of this section if a public or private sector  
24 resource refuses to comply. The court shall grant enforcement if the  
25 department has reasonable grounds to believe the records sought to be  
26 inspected are relevant to confirming the identity and address of a sex  
27 offender.

28 G. A person who provides or fails to provide information required by  
29 this section is not civilly or criminally liable unless the act or omission  
30 is wanton or wilful.

31 H. ANY PERSON WHO VISITS THE WEB SITE MAY REGISTER WITH THE DEPARTMENT  
32 OF PUBLIC SAFETY TO RECEIVE E-MAIL NOTIFICATION ABOUT REGISTERED SEX  
33 OFFENDERS WHO LIVE IN, RELOCATE TO AND MOVE OUT OF THE REGISTERED PERSON'S  
34 ZIP CODE.